

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (SMB)  SIPA LIQUIDATION  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  Allen Meisels,  Defendant.	Adv. Pro. No. 10-04428 (SMB)

**STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANT**

**WHEREAS**, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against defendant Allen Meisels (“Meisels”); and

**WHEREAS**, Meisels died on or about May 30, 2017.

**IT IS THEREFORE MUTUALLY AGREED AND STIPULATED**, by and between the Trustee, Peggy A. Meisels, Executrix of the Estate of Meisels<sup>1</sup>, and David T. Muldberg, Executor of the Estate of Meisels, as follows:

1. The Estate of Meisels, Peggy A. Meisels, in her capacity as Executrix of the Estate of Meisels, and David T. Muldberg, in his capacity as Executor of the Estate of Meisels (collectively referred to as “Defendants”), are hereby substituted into this action in place of Meisels, deceased, and the Complaint shall be deemed so amended.

2. The Clerk of the Court is hereby directed to amend the caption to remove Meisels and substitute the Estate of Meisels, Peggy A. Meisels in her capacity as Executrix of the Estate of Meisels, and David T. Muldberg, in his capacity as Executor of the Estate of Meisels, as reflected on Exhibit A to this Stipulation.

3. Undersigned counsel for Defendants: (i) expressly represents that she has the authority to accept service of the Amended Complaint on behalf of Defendants, (ii) waives service of the summons and the Amended Complaint on behalf of Defendants, and (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendants.

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

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<sup>1</sup> *In the Matter of the Estate of Allen Meisels*, Deceased, State of New Jersey, County of Essex, Surrogate’s Court, Docket Number 2017-1651.

Dated: June 13, 2018

New York, New York

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Liquidation of Bernard L. Madoff Investment  
Securities LLC and the Estate of Bernard L.  
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*Attorney for Defendants*

SO ORDERED:

Dated: June 13, 2018  
New York, New York

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE